THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20577 of 2005

Date:20.09.2005

The Panchayat Secretary

--------PETITIONER

The Agency Divisional Officer and others

---------RESPONDENTS

ORDER:

The petitioner is a Panchayat Secretary of Gram Panchayat of Nellipudi Village, Gangavaram Mandal, East Godavari District. He challenges the action of the 1st respondent in entertaining O.S.No.3 of 2005 filed by respondents 2 to 7 herein. The principal contention advanced on behalf of the petitioner is that Section 22-A of the A.P.Panchayat Raj Act, 1994 (for short 'the Act') bars the suit, in relation to the Gram Panchayats.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

Respondents 2 to 7 filed O.S.NO.3 of 2005 before the 1st respondent, an Agency Court, in relation to the location of the Gram Panchayat Office. For all practical purposes, the first respondent is a Civil Court in the agency area. The bar contained under Section 22-A of the Act does not apply to the facts of the case. The bar under that provision is vis-à-vis an order passed under the provisions of the Act. Admittedly, no order passed under the provisions of the Act was challenged in that suit. The adjudication of ordinary suits, even in relation to the properties of Gram Panchayat or the location of its office, is not barred.

In that view of the matter, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. The 1st respondent is, however, directed to dispose of the suit within a period of four months from the date of receipt of a copy of this order, so that any inconvenience is avoided to the parties. There shall be no order as to costs.

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20.09.2005

Jsu